

Appln No. 09/592,442
Amdt date November 26, 2003
Reply to Office action of July 31, 2003

REMARKS/ARGUMENTS

Claims 1, 2, 4-10, and 12-22 are now pending in this application. Claims 1, 9, and 16 have been amended, claims 3 and 11 have been canceled, and claims 17-22 have been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reexamination, reconsideration, and an early indication of allowance of claims 1, 2, 4-10, and 12-22 are respectfully requested.

The Examiner provisionally rejected claims 1 and 9 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1 and 43, respectively, of co-pending Application No. 09/592,443. Applicant respectfully traverses this rejection.

Applicant has amended independent claim 1 so that it now recites that "the first and second edge devices each collect health and status information associated with its set of resources, formats the health and status information according to a predetermined log format, and transmits the formatted health and status information to the policy server, the policy server correlating the formatted health and status information from the first and second edge devices and providing a centralized view of the health and status of the first and second edge devices from a single location." Claim 9 has also been amended to include limitations that are similar to the limitations of claim 1, which make claim 1 allowable. None of the claims in Application No. 09/592,443 teach or suggest these

Appln No. 09/592,442
Amdt date November 26, 2003
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limitations. Accordingly, Applicant respectfully requests that the obviousness-type double patenting rejection be withdrawn.

The Examiner objected to the drawings due to certain errors in the reference numbering. Appropriate corrections have been made to the specification and drawings to overcome this objection. Withdrawal of the objection is therefore respectfully requested.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, because the Examiner contends that the limitation of "the log collecting and archiving module" in line 24 of page 51 lacks antecedent basis. Applicant has reviewed claim 12, but claim 12 does not include this limitation. Rather, this limitation appears in claim 16. Applicant therefore assumes that the Examiner intended to reject claim 16 instead of claim 12. Claim 16 has accordingly been amended to comply with 35 U.S.C. 112, second paragraph.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid et al. (U.S. Patent No. 6,502,131) in view of Ellesson (U.S. Patent No. 6,101,541). Applicant respectfully traverses these rejections.

Claim 1 has been amended to recite that "the first and second edge devices each collect health and status information associated with its set of resources, formats the health and status information according to a predetermined log format, and transmits the formatted health and status information to the policy server, the policy server correlating the formatted health and status information from the first and second edge devices and providing a centralized view of the health and

Appln No. 09/592,442

Amdt date November 26, 2003

Reply to Office action of July 31, 2003

status of the first and second edge devices from a single location." Neither Vaid nor Ellesson teach or suggest these limitations.

The Examiner contends that Vaid discloses "a firewall in communication with the first and second servers, the firewall being able to be configured to manage incoming/outgoing management of information and monitoring health and status of the network." (Office action, p. 5). In doing so, the Examiner appears to equate the firewall and file servers in Figure 1 of Vaid with the policy server and edge devices, respectively, recited in claim 1. There is nothing in Vaid, however, that teaches or suggests that the file servers in Vaid "each collects health and status information associated with its set of resources, formats the health and status information according to a predetermined log format, and transmits the formatted health and status information to the policy server" (Emphasis added).

The Examiner notes that Vaid discloses that the "[traffic or bandwidth management] tool can be deployed at any appropriate point in the network data path." (Col. 10, lines 11-16). However, even with such a deployment, there is no collecting, formatting, and transmitting of health and status information by the edge devices as is recited in claim 1.

Furthermore, Vaid fails to teach or suggest a "policy server correlating the formatted health and status information from the first and second edge devices and providing a centralized view of the health and status of the first and second edge devices from a single location." The traffic or

Appln No. 09/592,442

Amdt date November 26, 2003

Reply to Office action of July 31, 2003

bandwidth management tool disclosed in Vaid simply profiles and monitors its own traffic, but does not "correlat[e] . . . information from first and second edge devices," nor does it provide a "centralized view of the health and status of the first and second edge devices from a single location" as is recited in claim 1.

The disclosure in Ellesson does not make up for the deficiency found in Vaid. The Examiner contends that Ellesson "teaches the edge devices collecting statistics about traffic flowing through them." However, there is nothing in Ellesson that the edge devices "format[] the health and status information according to a predetermined log format" and that they "transmit[] the formatted health and statistics information to the policy server" as is recited in claim 1. There is nothing in Ellesson that would indicate that the edge devices transmit statistics information in any manner different than what was conventional in the art. As stated in Applicant's background of the invention, the prior art systems generally only collected and transmitted raw data, requiring separate formatting off-line, to produce meaningful reports and statistics. (See, Specification p. 2, lines 20-23; p. 3, lines 23-27).

Ellesson further fails to teach or suggest a "policy server correlating the formatted health and status information from the first and second edge devices and providing a centralized view of the health and status of the first and second edge devices from a single location." In fact, a person of skill in the art would not be motivated to add such a feature to the system in

Appln No. 09/592,442

Amdt date November 26, 2003

Reply to Office action of July 31, 2003

Ellesson because it does not help solve the problem which Ellesson seeks to address. Ellesson is directed to a directory server that manages the service of quality of a network while reducing the problem of server overload. To reduce the problem of server overload, Ellesson proposes a mechanism where the directory server contacts the client nodes, and not the reverse, to update information maintained in the directory server. (See, Col. 6, line 54 - Col. 7, line 15). Thus, Ellesson focuses on making updates to information maintained in the directory server, and is not concerned in correlating or providing centralized views of health and statistics information. Accordingly, claim 1 is now in condition for allowance.

Claim 9 has been amended to include limitations that are similar to the limitations in claim 1, which make claim 1 allowable. Accordingly, claim 9 is also in condition for allowance.

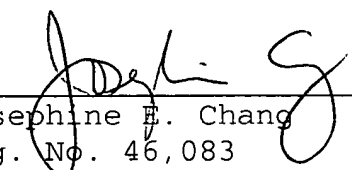
Claims 2, 4-8, 10, and 12-22 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations contained therein.

In view of the above amendments and remarks, Applicant respectfully requests reexamination, reconsideration, and an early indication of allowance of claims 1-2, 4-8, 10, and 12-22.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By


Josephine E. Chang

Reg. No. 46,083

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